

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODGING) NO.584 OF 2006

In

WRIT PETITION NO.2846 OF 2002

Mr.Rasik G. Mankar : Appellant
(Orig. Petitioner)

V/s.

The Oberoi Towers : Respondent
(Orig. Respondent)

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Mr.Ashutosh A.Kumbhakoni with Mr.Sandip Jinsiwala for the
appellant.

Mr.M.M.Varma with Mr.Rajesh Gehani for the respondent.

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CORAM : R.M.LODHA & S.A.BOBDE, JJ.

DATE : SEPTEMBER 4, 2006.

P.C.

1. Heard Mr.Ashutosh Kumbhakoni, the counsel for the
appellant.

2. We perused the order dated 19.7.2001 passed by the
Labour Court, the order dated 8.7.2002 passed by the
Industrial Court and the order dated 19.4.2006 passed by
the learned single Judge.

3. The appellant was employed with the respondent as a utility worker. During the period from 15.10.1996 to 12.1.1997, he remained absent unauthorisedly. For the said misconduct, the charge-sheet was served upon him and the inquiry was instituted. The Inquiry Officer, upon conclusion of the inquiry, held that the appellant was guilty of the misconduct as he remained absent unauthorisedly for the period 15.10.1996 to 12.1.1997. Based on the inquiry report, the appellant was dismissed from service. He filed a complaint for unfair labour practice under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short the "MRTU & PULP Act"). The Ninth Labour Court heard the complaint and by the order dated 19.7.2001 held that the appellant failed to prove any unfair labour practice on the part of the employer. The punishment was not found to be shockingly disproportionate. The Industrial Court in revision application dismissed the revision filed by the appellant. The concurrent orders passed by the Labour Court and the Industrial Court were not interfered with by the learned single Judge in Writ Petition filed by the present appellant.

4. There is absolutely no justification for us to take the view different taken by the three different Courts, as

noticed above.

5. Appeal does not deserve to be admitted.

6. Dismissed in limine.

R.M. LODHA, J.

S.A. BOBDE, J.